

### **REMARKS**

Claims 1 and 3-33 are pending in the application, claim 2 being canceled herein.  
Claims 1 and 20 are the only independent claims.

#### ***Claims Objections***

Claim 32 stands objected to because of two misspellings.

Claim 32 has been amended herein to correct the erroneous spellings.

#### ***Claims Rejections - 35 U.S.C. §§ 102 and 103***

Claims 1, 15, 17, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,674,268 to Riazi.

Claims 20 and 33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0119174 (Gardlik et al.)

Claims 1-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Riazi in view of Gardlik et al.

Applicants have amended claims 1 and 20 herein to provide a better definition of the invention. Applicants respectfully maintain that amended claims 1 and 20 distinguish the invention over the prior art and particularly over the art relied on by the Examiner in rejecting the claims of the instant application. To the extent that claim 1 is the same as claim 2 rewritten in independent form, applicant respectfully traverse the rejection of claim 2 under 35 U.S.C. § 103(a).

**Claim 1** As set forth amended claim 1, a method for providing a skin rejuvenating heat treatment comprises (i) placing a substantially predetermined amount of a wax composition into a microwavable container, the wax composition including paraffin wax, water and surface active componentry in an amount effective to prevent separation of the water and the paraffin wax, (ii) exposing the container and the wax composition to microwave energy for a period sufficient to heat the wax composition to a predetermined temperature at which the wax composition is liquid, (iii) depositing at least a portion of the heated wax composition on a human skin surface; and (iv) after

cooling of the deposited wax composition, removing the cooled deposited wax composition from the skin surface.

Riazi discloses a method for providing a therapeutic heat treatment, wherein a layer of melted wax (42) is formed on the surface of a body of heater water (44) so that a hand dipped into the water through the layer of wax is provided with a wax coating. Riazi says nothing about the composition of the wax.

Gardlik et al. disclose a composition for treating baldness.

Applicants respectfully traverse the Examiner's reliance on the combination of Riazi and Gardlik to reject the claims of the instant application under Section 103 of the Patent Statute. One of ordinary the art would not use the hair growth composition of Gardlik et al. in the skin treatment method of Riazi.

The skin treatment method of Riazi contemplates the insertion of a body part into a container holding heated water and a melted floating layer of wax. This method is manifestly unsuitable for applying a hair treatment composition. One of ordinary skill in the art would certainly not consider dipping a person's head into a vat of hot wax. Moreover, there is no reason one would want to grow hair on extremities other than the head. Accordingly, one of ordinary skill in the art would clearly *not* use the composition of Gardlik et al. in the method of Riazi. In brief, Gardlik's teachings are contrary to the purpose and use of the Riazi method.

**Claim 20** Claim 20 has been amended to take the form of a method claim. Applicants maintain that claim 20 is patentable for the reasons discussed above with respect to claim 1.

As set forth in amended claim 20, a skin rejuvenating heat treatment method, comprises (a) providing a composition including wax, water, and surface active componentry in an amount effective to prevent separation of the water and the wax, (b) heating the wax composition, and (c) applying the heated composition to a skin surface.

One of ordinary skill in the art applying the teachings of Riazzi would not look to the teachings of Gardlik et al. for ways to modify or improve the method of Riazzi. Gardlik et al. is directed to a hair growth composition for treating baldness. Since the method of Riazzi is unsuitable for the head and since the composition of Gardlik et al. is useful only for the head, the teachings of Gardlik et al. are particularly inapposite to the methodology of Riazzi. Not only do these two references contain no suggestion as to using the hair growth composition of Gardlik et al. in the method of Riazzi, the teachings of the two references are in opposing directions. Accordingly, applicants' claim 20 is patentable over the cited art.

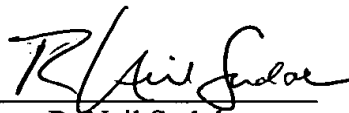
### ***Conclusion***

For the foregoing reasons, independent claims 1 and 20, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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